

### **REMARKS**

Claims 1, 2, 4 and 6 are currently pending in the present application. Claims 3 and 9-12 have been cancelled herein. Claims 1, 2 and 4 have been amended in an editorial manner to improve the antecedent basis of the terms therein. Moreover, claim 1 has been amended, which is supported in the specification, at least, at page 7, line 24 – page 8, line 11. No new matter has been added by way of the present claim amendments.

#### ***Objection to the Disclosure***

The Examiner has objected to the specification stating that it improperly recites the tradename TETRA CO<sub>2</sub>. Applicant has amended the specification herein to properly recite the noted tradename. According to MPEP 608.01(v),

Names used in trade are permissible in patent applications if:

(A) Their meanings are established by an accompanying definition which is sufficiently precise and definite to be made a part of a claim, or

(B) In this country, their meanings are well-known and satisfactorily defined in the literature.

In the present instance, the tradename TETRA CO<sub>2</sub> and the like, are well known in this country and are satisfactorily defined in the literature. Accordingly, Applicant respectfully requests withdrawal of the outstanding objection.

#### ***Claim Objections***

The Examiner has objected to claims 1, 2, 4 and 9-12 as lacking proper antecedent basis. Applicant has amended the present claims 1, 2 and 4, to address the Examiner's concerns. Claims 9-12 have been cancelled herein. Accordingly, withdrawal of the outstanding objections is respectfully requested.

***Rejection under 35 U.S.C. §112, second paragraph***

The Examiner has rejected claims 4 and 11 because of the phrase “sheet-type”. Applicant has adopted the Examiner’s suggestion in the Office Action in order to overcome the present rejection. Accordingly, withdrawal of the outstanding rejection is respectfully requested.

***Rejections under 35 U.S.C. §103 – Obviousness***

Claims 1, 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishino and further in view of WO 99/24043, based on the English equivalent-US 6,689,339 to Tanaka et al. (hereinafter “Tanaka”).

Claims 2 and 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishino and further in view of Tanaka and further in view of WO 98/173340 to Westwood (hereinafter “Westwood”).

Applicant has amended claim 1 to recite that the carbon-dioxide medium comprises calcium alginate hydrogel. *See* the present specification at page 7, line 24 – page 8, line 11, and Examples 4 and 6. This feature is not taught or suggested by any of Nishino, Tanaka or Westwood. Thus, Applicant respectfully submits that the cited prior art is inapplicable to the presently claimed invention. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

In view of the foregoing, Applicant believes the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/519,941  
Amendment dated January 6, 2009  
After Final Office Action of October 6, 2008

Docket No.: 0020-5615PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 6, 2009

Respectfully submitted,

By 

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